

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claim 2 has been amended. Claim 5 has been canceled. Claims 2-4, 6 and 7 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

Rejection Under 35 U.S.C. § 101

Claims 2-5 have been rejected under 35 U.S.C. § 101 as allegedly lacking patentable utility. Applicant has amended claim 2 to include the elements of dependent claim 5, which has subsequently been canceled. Amended claim 2 recites that “the position of the object is determined by adding the weighted and summed error position terms to the position of the reference object.” Applicant respectfully submits that the claimed invention as recited by amended claim 2 has patentable utility. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 101 are respectfully requested.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 2-5 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicant has amended claim 2 to include the elements of claim 5, which has subsequently been canceled.

Applicant respectfully submits that the claims are not of the omnibus type. Omnibus claims, as defined in MPEP 2173.05(r), are claims which read as follows: “A device substantially as shown and described.” However, the claimed invention recites a method comprising: determining a progression ... forming differences of positions ... forming error

AMENDMENT UNDER 37 C.F.R. § 1.111
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position terms; and weighting the error position terms. Therefore, the claimed invention explicitly recites particular elements, and thus are not omnibus claims within the definition of MPEP 2173.05(r). Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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